

Testimony By The Honorable Andrew P. Thomas

Maricopa County
Attorney

Thank you, Mr. Chairman, for the opportunity to present testimony to this committee today. I am Andrew Thomas, and I was elected Maricopa County Attorney in November, 2004. In this capacity, I serve as the chief prosecuting attorney for Maricopa County, Arizona, the third most populous county in the nation. My office prosecutes approximately 40,000 felony cases a year, which is approximately two-thirds of all felonies committed in the state of Arizona.

I commend this committee for considering legislation that would require proof of citizenship to register to vote and valid identification to cast a ballot in federal elections. Arizona voters overwhelmingly approved Proposition 200 in the 2004 general election. I was one of the few people running for office at the time to support this important measure, which requires those registering to vote to offer proof of citizenship and requires voters to provide identification at the polls.

The voters of this state feel, and I agree, that these changes in law are vital to protect the voting franchise. When non-citizens vote, their votes undermine the franchise of all American voters.

Voter fraud unquestionably has occurred in Arizona. Since taking office last year, I have commenced prosecuting people in Maricopa County who have allegedly committed voter fraud.

Last year our office announced the indictments of ten individuals who were non-citizens who nevertheless registered to vote. They were charged with filing false documents, a class 6 felony.

Maricopa County Recorder Helen Purcell referred these matters to the County Attorney's Office after her office received jury questionnaire forms from the county jury commissioner. These forms were filled out by potential jurors who claimed they were unable to serve on a jury because they were not citizens. The county recorder's office found that they had claimed to be citizens when they filled out a voter registration form. Four of these defendants voted in at least one election.

In addition to the ten charged defendants, the County Attorney is reviewing 149 other cases in which non-citizens have allegedly illegally registered to vote. These potential prosecutions are still pending.

In addition, the county recorder has received inquiries from people seeking to become U.S. citizens who have been told by Immigration and Customs Enforcement to obtain a letter from her office confirming they have neither registered to vote nor voted. To date, a review of these matters has turned up 37 non-citizens who have registered to vote. Fifteen of these individuals have voted. And these numbers come from a relatively small universe of individuals-legal immigrants who seek to become citizens. These numbers do not tell us how many illegal immigrants have registered and voted.

I should note that our office has not concentrated solely on non-citizens. We are also prosecuting 13 convicted felons who have voted despite having lost the franchise by virtue of their felony convictions.

The right to vote is arguably our most sacred constitutional right. This right is reserved for our citizens. When non-citizens vote in American elections, they are undermining our right to self-government.

The abuse of this right is not only deeply troubling. It is a violation of law, and in this county, it will be prosecuted.

These numbers likely represent only a fraction of the actual problem of voter fraud. Even so, recent elections have shown that every vote counts, and that every fraudulent vote carries the potential of being the deciding vote.

In the presidential election in 2000, George W. Bush won the state of Florida's electoral votes, and the election, by only 537 votes. In the 2004 election for Governor of Washington, 129 votes separated the candidates. In the same year in Arizona, the winner of a primary election for State House of Representatives was determined by 13 votes. In 1992, there was a tie in a race for the state legislature. The tie was settled by a game of poker.

The citizens of Arizona have realized that producing proof of citizenship and identification are not burdensome requirements, and doing this is a very small price to pay for protecting their right to vote. Law enforcement likewise should do its part to safeguard this important right. I applaud Congress for looking into these matters and taking seriously the duty of preserving our most basic birthright as Americans.

Thank you.